



AF/1617

IFW

Docket No.: C2432.0037
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lars Wiklund et al.

Application No.: 09/773,394

Confirmation No.: 5538

Filed: January 31, 2001

Art Unit: 1617

For: PRESERVATION OF BODILY PROTEIN

Examiner: M. Bahar

APPELLANT'S REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a short reply to the Examiner's Answer mailed July 14, 2004 in the Appeal of the above-identified application¹.

The assertion that the Appeal Brief does not contain a Related Appeals section is wrong. That section appears on page 2 of the Brief.

Whether the Examiner "agrees" with the statement that the claims do not all stand and fall together is not relevant. Applicant made the required statement and has included arguments supporting the separate patentability of each claim group as required by M.P.E.P. § 1206. Accordingly, each group must be considered separately.

¹ The application apparently became an IFW sometime after the Examiner's Answer was mailed and that allowed the missing pages to be obtained.

The arguments made by the Examiner have already been addressed in the Appeal Brief and still do not provide any reason to separately administer ammonium. Accordingly, it is unnecessary to repeat them here other than to note the assertion that "attorney's arguments do not constitute a showing of unexpected results" (page 6) ignores the record in this case. The Appeal Brief points out that data establishing the unexpected results was presented in the application. Detailed information is presented in 6 separate Tables and 4 figures, and is extensively discussed on pages 5 through 8 and 13 through 17. A more than adequate showing of unexpected results has been made.

It is respectfully submitted that the Examiner's rejection should be reversed.

Dated: September 2, 2004

Respectfully submitted,

By Edward A. Meilman
Edward A. Meilman

Registration No.: 24,735
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant